

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

STEVEN G. MILLETT,)	
MELODY J. MILLETT,)	
On Behalf Of Themselves and)	
All Others Similarly Situated,)	
Plaintiffs,)	
)	
vs.)	Cause of Action No.: 04-2448-CM
)	
TRANSUNION L.L.C.,)	
Defendant.)	

MOTION TO ENLARGE TIME FOR CLASS CERTIFICATION

Plaintiffs, Steven G. Millett and Melody J. Millett, by and through their undersigned attorney, file this motion for an enlargement to time to file their motion for class action certification determination. In support of their motion, Plaintiffs state as follows:

1. Plaintiffs brought this action on behalf of themselves and all others similarly situated for damages and injunctive relief pursuant to the Fair Credit Reporting Act, 15 U.S.C. §§ 1681-1681v ("FCRA"). Plaintiffs brought their claim on behalf of themselves and all others similarly situated under the common law for damages and injunctive relief for each prospective class member for breach of contract. Plaintiffs Steven Millett and Melody Millett also brought individual claims for damages and injunctive relief under the common law of the State of Kansas.

2. Rule 23.1(b) of the Rules of Practice of the United States District Court for the District of Kansas provides that the plaintiffs shall file their motion for determination pursuant to Federal Rule of Civil Procedure 23 within 90 days after the filing of a complaint in a class action.

3. Plaintiffs filed their complaint on September 9, 2004. Defendants provided their answers and filed a motion to dismiss on November 19, 2004. Plaintiffs have not yet responded to the motion to dismiss.

4. No scheduling order is in place and Plaintiffs have not had an opportunity for review of initial disclosures which will be provided pursuant to Federal Rule of Civil Procedure 26. A review of such initial disclosures will allow Plaintiffs to more artfully craft their class motion and allow for a more expeditious determination by this Court.

5. Plaintiffs do not make this request for purposes of delay or obfuscation. No potential class member will be prejudiced by the delay. Defendants will not be prejudiced by the delay.

6. Plaintiffs have filed similar claims in two other cases where disclosures have not yet been completed. Allowing Plaintiffs to coordinate filing of the motions for class determination will ensure that the decisions of the Court in the three related cases are consistent.

WHEREFORE, Plaintiffs, on behalf of themselves and all others similarly situated, respectfully request an enlargement of time to file their motion for class determination and request that the date for the filing of the motion for class certification determination be set during the parties' scheduling conference.

RESPECTFULLY SUBMITTED,

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed electronically and notice of such filing was made electronically to defendants' counsel pursuant to the Electronic Case Filing Rules of the United States District Court for the District of Kansas on December 8, 2004:

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